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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN THE MATTER OF:

DOCKET NO. 93-261

QUALITY COMMUNICATIONS CORPORATION

Nelsonville, Ohio

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DATE OF CONFERENCE: December 17, 1993

VOLUME: 1

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

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QUALITY COMMUNICATIONS CORPORATION)

Nelsonville, Ohio)

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MM DOCKET NO. 93-261

The above-entitled matter came on for prehearing conference pursuant to notice before Judge Edward Luton, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 1 on Friday, December 17, 1993 at 9:00 a.m.

APPEARANCES:

On behalf of the Mass Media Bureau:

Y. PAULETTE LADEN, Esquire
2025 M Street, N.W.
Suite 7212
Washington, D.C. 20554

On behalf of Quality Communications Corporation:

No appearances.

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25	Conference Began: 9:00 a.m.	Conference Ended: 9:05 a.m.

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1 P R O C E E D I N G S

2 JUDGE LUTON: May I have the appearances, please,
3 starting on my left?

4 MS. LADEN: For the Chief of the Mass Media Bureau,
5 Paulette Laden.

6 JUDGE LUTON: All right. It appears that Quality
7 Communications Corporation is not represented this morning. I
8 am not aware that that applicant for renewal license has even
9 filed a Notice of Appearance in this proceeding, nor have I
10 heard anything at all. Has the Bureau?

11 MS. LADEN: Yes, we have. First of all, I checked
12 the Commission's -- the secretary's files this morning, which
13 are up-to-date as of last night, and there is no Notice of
14 Appearance.

15 JUDGE LUTON: No notice of appearance, all right.

16 MS. LADEN: But I called -- the person who signs the
17 renewal application is John Frame, who is the president, and
18 the address on the renewal application is the official address
19 in the Commission's records and that's where the Hearing
20 Designation Order would've been sent. There are no records as
21 to where it was sent, but I'm pretty certain that's where it
22 would've been sent.

23 In any event, we had a letter after the renewal
24 application was filed. The Bureau received a letter from
25 someone whose name is John Hill, who is the treasurer

1 | presumably, and he signed it and gave a different address
2 | which is in another part of the state. So I called -- I tried
3 | to reach Frame and there was no listing -- the station --
4 | there's no listing for the station. I obtained a previous
5 | phone number for Mr. Frame. He has moved from that residence
6 | and the person I talked to didn't know where he could be
7 | reached.

8 | So I tried to reach Hill through directory
9 | assistance. The phone number that Hill gave in his letter has
10 | been disconnected. But I tried to reach him through directory
11 | assistance and I did get in touch with him and he is the same
12 | Hill and we've been talking for several weeks. He had not
13 | received -- knew nothing about the Hearing Designation Order,
14 | so I sent him a copy of the Hearing Designation Order and the
15 | order assigning you as the Judge and setting this prehearing
16 | conference and the hearing date.

17 | He told me he would let me know what -- how he
18 | intended to proceed. He indicated he thought he might have a
19 | distress sale buyer and I told him a little bit about the
20 | Commission's rules. I also told him that he needed to file a
21 | Notice -- at that point, the twenty-day period -- I believe it
22 | was twenty days. It may have been thirty in this case.

23 | But in any event, at that point, the period for
24 | filing a Notice of Appearance had expired, the original
25 | period. So I told him that he should file a Notice of

1 Appearance immediately and let Your Honor know that he had not
2 received the Hearing Designation Order and that's why he was
3 filing late. But we've talked several times on the telephone
4 about his plans and I got a call from him a couple of days ago
5 where he indicated that he would not prosecute the application
6 and was not going to appear here this morning.

7 JUDGE LUTON: All right. Those are really, truly
8 extraordinary efforts on the part of the Bureau counsel to
9 make sure that this applicant was aware of what was going on
10 and what needed to be done and it seems clear enough that this
11 applicant has chosen to not participate.

12 MS. LADEN: I did want to -- I forgot one thing I
13 wanted to mention for the record, Your Honor, and that is that
14 even though the address that we had, the official address that
15 we had for the station, according to Mr. Hill, is out of date,
16 the Bureau did send him a letter on January 29, 1993. Mr.
17 Hill was sent a letter at his current address, the same
18 address that I have been sending him things to, and that
19 letter warned that if he did not -- if he continued to be
20 silent without authority, that he was facing dismissal of his
21 renewal application.

22 So I think it's important to note that even though
23 they did not receive a copy of the Hearing Designation Order,
24 they, in fact, knew that the Commission was contemplating some
25 action about the renewal application.

1 JUDGE LUTON: I'm not even willing to concede that a
2 copy of the Hearing Designation Order wasn't received. I'm
3 prepared to presume regularity in the delivery of the United
4 States Mail. I think that's a presumption that I'm entitled
5 to indulge in and I do. Under the circumstances, I will
6 entertain a motion to dismiss this renewal application, if the
7 Bureau chooses to make one.

8 MS. LADEN: Yes, Your Honor. I would like to move
9 that the renewal application be dismissed.

10 JUDGE LUTON: That motion is granted and the
11 application of Quality Communications Corporation, Application
12 for Renewal of License of Station WYNO(AM) in Nelsonville,
13 Ohio is dismissed for failure to prosecute and I think that
14 will conclude our business here this morning.

15 MS. LADEN: Your Honor, was Your Honor intending to
16 issue an order to that effect?

17 JUDGE LUTON: I think I should.

18 MS. LADEN: Yeah, we need something for the
19 computers.

20 JUDGE LUTON: Computer problems. I certainly will.
21 I will issue a writing today. Thank you very much.

22 MS. LADEN: Thank you, Your Honor.

23 (Whereupon, at 9:05 a.m. on Friday, December 17,
24 1993, the prehearing conference was adjourned.

25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN RE APPLICATION OF QUALITY COMMUNICATION CORPORATION

Name

MM DOCKET NO. 93-261

Docket No.

WASHINGTON, D.C.

Place

DECEMBER 17, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 6, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

December 27, 1993

Date

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Marykae Fleishman, Transcriber
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December 28, 1993

Date

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